

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY GENE HEGGEM,

Plaintiff,

1

MONROE CORRECTIONAL
COMPLEX, DR. KENNETH LAUREN,
DR. JOSEPH LOPIN, and L. MANIGO-
HEDT,

Defendants.

No. C11-5985 RBL/KLS

ORDER GRANTING DEFENDANTS' MOTION TO STRIKE

Before the Court is Defendants' motion to strike pursuant to Fed. R. Civ. P. 12(f). ECF

BACKGROUND

On March 9, 2012, the undersigned filed a Report and Recommendation regarding Mr. Heggem's request for injunctive relief. ECF No. 28. On March 16, 2012, Defendants filed their Motion to Dismiss pursuant to Fed. R. Civ. P. 12(c) and Motion to Stay Discovery. ECF No. 31. Mr. Heggem filed both his Response to Defendants' Motion to Dismiss and his Objection to the Report and Recommendation on March 23, 2012. ECF Nos. 32 and 33. On the same day, Mr. Heggem also filed a pleading entitled "Plaintiff Informs Court Of Newly Discovered Information of Fraud and Deceit By Defendants And There (sic) Attorney". ECF No. 34. On March 27, 2012, Defendants filed their Response to Mr. Heggem's Objections to the Report and Recommendation. ECF No. 35.

1 Since March 27, 2012, Mr. Heggem has filed numerous pleadings and documents, which
2 he has submitted in support of or in connection with either his motions for injunctive relief or in
3 opposition to Defendants' motion to dismiss. On March 29, 2012, Mr. Heggem filed his
4 "Further Response To Courts (sic) Recommendation And Report And Further Response To
5 Defendants (sic) Motion To Dismiss And Stay For Discovery – W – (sic) Further Evidence
6 Submitted By Plaintiff in Support & Declaration There In". ECF No. 37. On April 2, 2012, Mr.
7 Heggem filed his "Prompt Reply to Defendants (sic) Motion To Strike Plaintiff's Newly
8 Submitted Declaration And Whatever Defendants Said In Paragraph 'A'". ECF No. 38. On
9 April 3, 2012, Mr. Heggem filed his "Further Reply To Courts (sic) Report & Recommendation
10 And Further Reply To Defendants (sic) Motions To Strike & Dismiss [and] Plaintiff Submits
11 Newly Obtained Evidence." ECF No. 39. Mr. Heggem also filed an "Emergent Reply to
12 Court's Report and Recommendation and Further Request For Court To Order Injunction (sic)
13 Relief And Submission of Declaration," "Supplemental Response To Defendants (sic) Motions
14 To Strike Discovery And Dismiss," and "Submission of Evidence of Offender Kite And
15 Information Therein" on April 10, 2012. ECF Nos. 40, 41, 42.

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17 On April 12, 2012, Defendants filed a motion to strike the foregoing documents. ECF
18 No. 43. Between April 12, 2012 and May 8, 2012, Mr. Heggem filed eight more pleadings:
19 "Submission of 3rd Level Grievance"; "Submission of Evidence of Interrogatories & Response";
20 "Further Supplemental to the Objections to Report and Recommendations"; "Statement of
21 DOC's Denial of 3rd Level Grievance"; "Statement by Plaintiff" "Submission of Newly Obtained
22 Vital Evidence in Support of Injunctive Relief"; "Emergency Reply"; and "Plaintiff Enters 3rd
23 Level Grievance Response". ECF Nos. 44, 45, 46, 47, 48, 49, 50, and 51.

1 Defendants object to the continuing submission of documents after Mr. Heggem filed his
2 Objections to the undersigned's Report and Recommendation and after Mr. Heggem filed his
3 response to their motion to dismiss.

4 **DISCUSSION**

5 Fed. R. Civ. P. 12(f) provides that "redundant, immaterial, impertinent, or scandalous
6 matter" may be stricken from any pleading. A motion to strike is limited to pleadings. *Sidney-*
7 *Vinstein v. A.H. Robins Co.*, 697 F.2d 880, 885 (9th Cir.1983). Motions to strike are disfavored
8 and infrequently granted. *Pease & Curren Refining, Inc. v. Spectrolab, Inc.*, 744 F.Supp. 945,
9 947 (C.D.Cal.1990), *abrogated on other grounds by Stanton Road Assocs. v. Lohrey Enters.*, 984
10 F.2d 1015 (9th Cir.1993). Such motions should be granted only where it can be shown that none
11 of the evidence in support of the allegation is admissible. *Spectrolab*, 744 F.Supp. at 947.

12 Here, Defendants ask that entire pleadings be disregarded as impertinent. Under the rules
13 governing motion practice before this Court, the parties are allowed to submit a motion, a brief in
14 opposition, and a reply brief. Local Rule 7(b). All supporting materials such as affidavits,
15 declarations, or other evidence are to be presented and filed at the same as the accompanying
16 motion, brief, and/or reply brief are filed. No other documents or pleadings are to be presented
17 unless otherwise ordered or directed by the Court.

18 As noted above, Mr. Heggem has had an opportunity to fully respond to Defendants'
19 motion to dismiss and to file his objections to the undersigned's Report and Recommendation.
20 The Court has not directed that any additional materials or pleadings be filed in this case.
21 Accordingly, the Court finds that all documents filed by Mr. Heggem after his response and
22 objection be stricken pursuant to Fed. R. Civ. P. 12(f). The numerous filings are needlessly
23 time-consuming and costly and were not timely filed.

1 Accordingly, it is **ORDERED**:

2 1) Defendants' Motion to Strike (ECF No. 43) **GRANTED**. ECF Nos. 34, 36-42,
3 and 44-51 are **STRICKEN**.

4 2) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

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7 DATED this 15th day of May, 2012.

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10 Karen L. Strombom
11 United States Magistrate Judge